

Document ID No. K0739

Love Paper

The City of Seattle

NAME	WILLIAM GALLAGHER
DATE	12-1-54
TIME	11:15
PLACE	NEW YORK
REASON	100-100000
YOUR ADDRESS	
YOUR BUSINESS	

#1
C.B.107391

ORDINANCE 114579

AN ORDINANCE vacating a portion of the Alley in Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell's Second Addition (deceased) (Commonly known as Heirs of Sarah Bell's Second Addition to the Town of Seattle) on the petition of Olive Way Joint Ventures, accepting an easement for storm drain purposes, accepting a deed for street/alley purposes and a Property Use and Development Agreement for the purpose stated therein. (Comptroller's File No. 295986).

WHEREAS, there has been filed with the City Council the petition of Olive Way Joint Venture (Comptroller's File No. 295986), for the vacation of a portion of the Alley in Block 29, Heirs of Sarah Bell's Second Addition to the City of Seattle as therein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on the December 14, 1988, said petition was granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030 and Seattle Municipal Code Chapter 15.62, the petitioner has paid to the City \$151,500, which amount is one-half the appraised value of the property approved for vacation according to an appraisal obtained by the Director of Engineering; Now, Therefore;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

an aerial portion of the alley adjoining Lots 5, 6, 7, and 8, Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), as per plat recorded in Volume 1 of Plats, page 121, Records of King County, Washington, lying above an incline plane drawn a minimum of 16.5 feet above the surface grade of said alley, the elevation of said alley grade being approximately 131.3 feet at the intersection of the centerline of said alley with the southeasterly line of Lot 5 projected northeasterly and the elevation of said alley grade being approximately 125.7 feet at the intersection of the centerline of said alley with the northwesterly line of Lot 6 projected northeasterly;

ALSO;

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 a below grade portion of the alley adjoining Lots
2 5, 6, 7, and 8, Block 29, Second Addition to the
3 Town of Seattle as laid off by the Heirs of Sarah
4 A. Bell (deceased) (Commonly known as Heirs of Sarah
5 A. Bell's 2nd Addition to the City of Seattle), as
6 per plat recorded in Volume 1 of Plats, page 121,
7 Records of King County, Washington, lying below an
8 incline plane drawn a minimum of 2 feet below the
9 surface grade of said alley, the elevation of said
10 alley grade being approximately 131.2 feet at the
11 intersection of the centerline of said alley with
12 the southeasterly line of Lot 5 projected
13 northeasterly and the elevation of said alley grade
14 being approximately 124.8 feet at the intersection
15 of the centerline of said alley with the
16 northwesterly line of Lot 6 projected northeasterly;

17 be and the same is hereby vacated; RESERVING to the City
18 of Seattle the right to make all necessary slopes for
19 cuts or fills upon the above described property in the
20 reasonable original grading of any rights-of-way abutting
21 upon said property after said vacation.

22 Section 2. That a deed executed by the Olive Way Joint
23 Venture (King County Records No. 8906060577) on June 5, 1989,
24 granting and conveying to the City of Seattle the following
25 described real property in Seattle, King County Washington:

26 Portion of the northeasterly 2 feet of Lots 5 and
27 6, and of the southwesterly 2 feet of Lots 7 and 8,
28 Block 29, Second Addition to the Town of Seattle as
laid off by the Heirs of Sarah A. Bell (deceased)
(Commonly known as Heirs of Sarah A. Bell's 2nd
Addition to the City of Seattle), as per plat
recorded in Volume 1 of Plats, page 121, Records of
King County, Washington, lying between an incline
plane drawn a minimum of 2 feet below the surface
grade of the adjoining alley, the elevation of said
alley grade being approximately 131.2 feet at the
intersection of the centerline of said alley with
the southeasterly line of Lot 5 projected
northeasterly and elevation of said alley grade
being approximately 124.8 at the intersection of the
centerline of said alley with the northwesterly line
of Lot 6 projected northeasterly, and an incline
plane drawn a minimum of 16.50 feet above the
surface grade of the adjoining alley, the elevation
of last described alley grade being approximately
131.3 feet at the intersection of the centerline of
said alley and the southeasterly line of Lot 5
projected northeasterly and the elevation of last
described alley grade being approximately 125.7 feet
at the intersection of the centerline of said alley
with the northwesterly line of Lot 6 projected nor-
theasterly;

be and the same is hereby accepted for street/alley purposes.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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1 Section 3. That an easement executed by Olive Way Joint
2 Venture (King County Records No. 8906060578) on June 5, 1989,
3 granting and conveying to the City of Seattle the right to
4 construct, operate and maintain a storm drain with necessary
5 appurtenances over and across the following described property
6 in Seattle, King County, Washington:

7 the northwesterly 5 feet of the Alley adjoining Lots 6,
8 and 7, Block 29, Second Addition to the Town of Seattle
9 as laid off by the Heirs of Sarah A. Bell (deceased)
10 (Commonly known as Heirs of Sarah A. Bell's 2nd Addition
11 to the City of Seattle), as per plat recorded in Volume
12 1 of Plats, page 121, Records of King County, Washington;

13 be and the same is hereby accepted for storm drain purposes.
14

15 Section 4. That a Property Use and Development executed
16 by Olive Way Joint Venture (King County Records No. 890606058-
17 0) on June 5, 1989, limiting the use and development of the
18 following described property in Seattle, King County, Washing-
19 ton:

20 Lots 5, 6, 7, and 8, Block 29, Second Addition to the
21 City of Seattle, as Laid Off by the Heirs of Sarah A.
22 Bell, deceased, commonly known as the Heirs of Sarah A,
23 Bell's second Addition to the City of Seattle, according
24 to the Plat thereof recorded in Volume 1 of Plats, page
25 121, in King County, Washington; except that portion
26 thereof condemned for widening Eight Avenue in King
27 County Superior Court Cause Number 44450 under Ordinance
28 Number 10066 of the City of Seattle, in King County,
Washington

is hereby accepted for the purposes stated therein.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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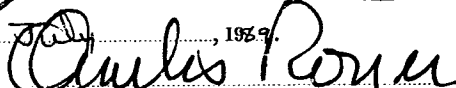
(To be used for all Ordinances except Emergency.)

Section 5.... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 26th day of June, 1989,
and signed by me in open session in authentication of its passage this 26th day of
June, 1989.


President of the City Council.

Approved by me this 6th day of July, 1989.

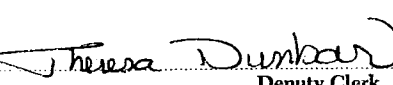

Mayor.

Filed by me this 6th day of July, 1989.


Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

By 
Deputy Clerk.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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RW 8939

PROPERTY USE AND DEVELOPMENT AGREEMENT

This instrument, executed this date, in favor of the City of Seattle, a municipal corporation (herein called "City") by Western Securities (U.S.A.), Ltd., the undersigned owner of the within described property (herein called "Owner"):

WITNESSETH:

WHEREAS, Owner is vested with fee simple title in the real property described in attachment "A" hereto (the "Property"); and

WHEREAS, a petition (C.F. 295986) was filed by Owner with the City to vacate the subsurface and aerial rights in that portion of the alley lying between lots 5, 6, 7 and 8, block 29, heirs of Sarah A. Bell's second addition, adjoining the property pursuant to RCW Chapter 35.79 and Seattle Municipal Code Chapter 15.62; the Board of Public Works filed its report on the Petition on or about November 4, 1988, which coordinated the response of other City departments and utilities; the Transportation Committee of the City Council held a public hearing on the petition and thereafter recommended that the petition be granted subject to certain conditions;

NOW, THEREFORE, Owner hereby covenants, bargains, and agrees on behalf of himself, his successors and assigns, that if the petition is granted by vacating the subsurface and aerial rights in the alley:

1. The Owner shall reconstruct the surface of the alley in connection with development of the project in accordance with City standards and specifications. The Owner shall provide vertical support for the alley, and repair any deformation of the alley surface caused by settlement or other reason related to use under the alley. After reconstruction of the alley, Owner shall maintain a clear, unobstructed area at 16.5 feet above the surface of the alley, and Owner shall reserve an area two feet below the surface of the alley for location of utilities. Owner shall also be obligated to maintain clear unobstructed passage through the alley in the event of damage or destruction of the project on the property.

2. The first project constructed by Owner or its assigns on the property shall principally include residential uses as, for example, the project described in Master Use Permit Application No. 8802498 generally containing ground and below grade commercial use with above-ground parking and a residential tower. Change in uses of the actual structure such as hotel or office shall not be permitted without approval of the City Council.

06/05/89

-1-

89/06/06
RECD F
CASHSL

8.00

#0580 D

***8.00

55

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8906060580

3. Owner shall indemnify and hold the City harmless from any and all claims, losses, liabilities, liens, costs, or expense resulting from or arising out of failure of the required vertical support of the alley, as set forth in paragraph 1 above, and shall maintain a policy of general public liability insurance with limits of \$1,000,000 per occurrence and naming the City as an additional insured, insuring against the risks identified in this paragraph. If any claim covered by this paragraph is asserted against the City, Owner upon notice thereof from the City shall defend the same at his sole cost and expense and shall pay any final judgment rendered upon such claim.

4. This agreement shall be recorded in the records of King County, and the covenants hereof shall be deemed to attach and run with the property and shall be binding upon the Owner, his heirs, successors, and assigns, and shall apply to after-acquired title of the owner of the property.

5. This agreement may be amended or modified by agreement between the Owners and the City; provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this agreement shall be construed as a surrender of the City's governmental powers.

6. This agreement is made for the benefit of the City and the public, and the City may institute and prosecute any proceeding at law or inequity to enforce this agreement.

7. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained.

DATED this 5th day of June, 1989.

OLIVE WAY JOINT VENTURE

By WESTERN SECURITIES (U.S.A.), LTD.
Its Joint Venturer

By [Signature]
Its EXEC. VICE PRESIDENT

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

THIS IS TO CERTIFY that on this 5th day of June, 1989, before me, the undersigned, a notary public in and for the state of Washington, duly commissioned and sworn, personally appeared Marc A. Jotlik, to me known to be the Executive Vice-President of WESTERN SECURITIES (U.S.A.), LTD., a corporation, to me known to be a general partner of OLIVE WAY JOINT VENTURE, the partnership that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation and said partnership for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.

John R. McCullagh
Notary public in and for the state of
Washington, residing at Seattle
My appointment expires 1-8-92

8906060580

RECEIVED THIS DAY

JUN 6 10 50 AM '89
BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY
8288C

06/05/89

-3-

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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8906060580

LOTS 5, 6, 7 AND 8, BLOCK 29, SECOND ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY THE HEIRS OF SARAH A. BELL, DECEASED, COMMONLY KNOWN AS THE HEIRS OF SARAH A. BELL'S SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 121, IN KING COUNTY, WASHINGTON, EXCEPT THAT PORTION THEREOF CONDEMNED FOR WIDENING EIGHTH AVENUE IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 44450 UNDER ORDINANCE NUMBER 10066 OF THE CITY OF SEATTLE, IN KING COUNTY, WASHINGTON.

Exhibit "A"

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

FILED for Record at Request of

Name City of Seattle

Address Room 650 710 Second Ave
Seattle, WA 98104

8906060580

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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8907170872

ORDINANCE

114579

#1
C.B. 107391
JUL 25 11:08 AM
RECEIVED DIVISION OF
RECORDS & INFORMATION
KING COUNTY

RECEIVED THIS DAY

AN ORDINANCE vacating a portion of the Alley in Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell's Second Addition (deceased) (Commonly known as Heirs of Sarah Bell's Second Addition to the Town of Seattle) on the petition of Olive Way Joint Ventures, accepting an easement for storm drain purposes, accepting a deed for street/alley purposes and a Property Use and Development Agreement for the purpose stated therein. (Comptroller's File No. 295986).

WHEREAS, there has been filed with the City Council the petition of Olive Way Joint Venture (Comptroller's File No. 295986), for the vacation of a portion of the Alley in Block 29, Heirs of Sarah Bell's Second Addition to the City of Seattle as therein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on the December 14, 1988, said petition was granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030 and Seattle Municipal Code Chapter 15.62, the petitioner has paid to the City \$151,500. which amount is one-half the appraised value of the property approved for vacation according to an appraisal obtained by the Director of Engineering; Now, Therefore;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

an aerial portion of the alley adjoining Lots 5, 6, 7, and 8, Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), as per plat recorded in Volume 1 of Plats, page 121, Records of King County, Washington, lying above an incline plane drawn a minimum of 16.5 feet above the surface grade of said alley, the elevation of said alley grade being approximately 131.3 feet at the intersection of the centerline of said alley with the southeasterly line of Lot 5 projected northeasterly and the elevation of said alley grade being approximately 125.7 feet at the intersection of the centerline of said alley with the northwesterly line of Lot 6 projected northeasterly;

ALSO;

89/07/17 #0872 D
RECD F 8.00
CASHSL *****8.00
55

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8907170872

1 a below grade portion of the alley adjoining Lots
2 5, 6, 7, and 8, Block 29, Second Addition to the
3 Town of Seattle as laid off by the Heirs of Sarah
4 A. Bell (deceased) (Commonly known as Heirs of Sarah
5 A. Bell's 2nd Addition to the City of Seattle), as
6 per plat recorded in Volume 1 of Plats, page 121,
7 Records of King County, Washington, lying below an
8 incline plane drawn a minimum of 2 feet below the
9 surface grade of said alley, the elevation of said
10 alley grade being approximately 131.2 feet at the
11 intersection of the centerline of said alley with
12 the southeasterly line of Lot 5 projected
13 northeasterly and the elevation of said alley grade
14 being approximately 124.8 feet at the intersection
15 of the centerline of said alley with the
16 northwesterly line of Lot 6 projected northeasterly;

17
18 be and the same is hereby vacated; RESERVING to the City
19 of Seattle the right to make all necessary slopes for
20 cuts or fills upon the above described property in the
21 reasonable original grading of any rights-of-way abutting
22 upon said property after said vacation.

23
24 Section 2. That a deed executed by the Olive Way Joint
25 Venture (King County Records No. 8906060577) on June 5, 1989,
26 granting and conveying to the City of Seattle the following
27 described real property in Seattle, King County Washington:

28
29 Portion of the northeasterly 2 feet of Lots 5 and
30 6, and of the southwesterly 2 feet of Lots 7 and 8,
31 Block 29, Second Addition to the Town of Seattle as
32 laid off by the Heirs of Sarah A. Bell (deceased)
33 (Commonly known as Heirs of Sarah A. Bell's 2nd
34 Addition to the City of Seattle), as per plat
35 recorded in Volume 1 of Plats, page 121, Records of
36 King County, Washington, lying between an incline
37 plane drawn a minimum of 2 feet below the surface
38 grade of the adjoining alley, the elevation of said
39 alley grade being approximately 131.2 feet at the
40 intersection of the centerline of said alley with
41 the southeasterly line of Lot 5 projected
42 northeasterly and elevation of said alley grade
43 being approximately 124.8 at the intersection of the
44 centerline of said alley with the northwesterly line
45 of Lot 6 projected northeasterly, and an incline
46 plane drawn a minimum of 16.50 feet above the
47 surface grade of the adjoining alley, the elevation
48 of last described alley grade being approximately
49 131.3 feet at the intersection of the centerline of
50 said alley and the southeasterly line of Lot 5
51 projected northeasterly and the elevation of last
52 described alley grade being approximately 125.7 feet
53 at the intersection of the centerline of said alley
54 with the northwesterly line of Lot 6 projected nor-
55 theasterly;

56 be and the same is hereby accepted for street/alley purposes.

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8907170872

Section 3. That an easement executed by Olive Way Joint Venture (King County Records No. 8906060578) on June 5, 1989, granting and conveying to the City of Seattle the right to construct, operate and maintain a storm drain with necessary appurtenances over and across the following described property in Seattle, King County, Washington:

the northwesterly 5 feet of the Alley adjoining Lots 6, and 7, Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), as per plat recorded in Volume 1 of Plats, page 121, Records of King County, Washington; be and the same is hereby accepted for storm drain purposes.

Section 4. That a Property Use and Development executed by Olive Way Joint Venture (King County Records No. 890606058-0) on June 5, 1989, limiting the use and development of the following described property in Seattle, King County, Washington:

Lots 5, 6, 7, and 8, Block 29, Second Addition to the City of Seattle, as Laid Off by the Heirs of Sarah A. Bell, deceased, commonly known as the Heirs of Sarah A. Bell's second Addition to the City of Seattle, according to the Plat thereof recorded in Volume 1 of Plats, page 121, in King County, Washington; except that portion thereof condemned for widening Eight Avenue in King County Superior Court Cause Number 44450 under Ordinance Number 10066 of the City of Seattle, in King County, Washington

is hereby accepted for the purposes stated therein.

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(To be used for all Ordinances except Emergency.)

STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF SEATTLE)
I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle,
do hereby certify that the within and foregoing is a true and correct copy of
the original instrument as the same appears on file, and of record in this
department.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal
of The City of Seattle, this 10th day of July 1989

NORWARD J. BROOKS
Comptroller and City Clerk

By: Theresa Dunbar
Deputy Clerk

Section 5..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 26th day of June, 1989,
and signed by me in open session in authentication of its passage this 26th day of
June, 1989.
President of the City Council.

Approved by me this 6th day of July, 1989.
Charles Royce
Mayor.

Filed by me this 6th day of July, 1989.

Norward J. Brooks
Attest:
City Comptroller and City Clerk.

(SEAL)

Published.....

By: Theresa Dunbar
Deputy Clerk.

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8907170872

5907170872

Return To:

NORWARD J. BROOKS CITY COMPTROLLER
101 SEATTLE MUNICIPAL BUILDING
SEATTLE, WA 98104

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RECEIVED

PROPERTY USE AND DEVELOPMENT AGREEMENT

This instrument, executed this date, in favor of the ~~JUN 12~~ 1989 of Seattle, a municipal corporation (herein called "City") by Western Securities (U.S.A.), Ltd., the undersigned owner of the within described property (herein called "Owner"):

WITNESSETH:

WHEREAS, Owner is vested with fee simple title in the real property described in attachment "A" hereto (the "Property"); and

WHEREAS, a petition (C.F. 295986) was filed by Owner with the City to vacate the subsurface and aerial rights in that portion of the alley lying between lots 5, 6, 7 and 8, block 29, heirs of Sarah A. Bell's second addition, adjoining the property pursuant to RCW Chapter 35.79 and Seattle Municipal Code Chapter 15.62; the Board of Public Works filed its report on the Petition on or about November 4, 1988, which coordinated the response of other City departments and utilities; the Transportation Committee of the City Council held a public hearing on the petition and thereafter recommended that the petition be granted subject to certain conditions;

NOW, THEREFORE, Owner hereby covenants, bargains, and agrees on behalf of himself, his successors and assigns, that if the petition is granted by vacating the subsurface and aerial rights in the alley:

1. The Owner shall reconstruct the surface of the alley in connection with development of the project in accordance with City standards and specifications. The Owner shall provide vertical support for the alley, and repair any deformation of the alley surface caused by settlement or other reason related to use under the alley. After reconstruction of the alley, Owner shall maintain a clear, unobstructed area at 16.5 feet above the surface of the alley, and Owner shall reserve an area two feet below the surface of the alley for location of utilities. Owner shall also be obligated to maintain clear unobstructed passage through the alley in the event of damage or destruction of the project on the property.

2. The first project constructed by Owner or its assigns on the property shall principally include residential uses as, for example, the project described in Master Use Permit Application No. 8802498 generally containing ground and below grade commercial use with above-ground parking and a residential tower. Change in uses of the actual structure such as hotel or office shall not be permitted without approval of the City Council.

06/05/89

-1-

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3. Owner shall indemnify and hold the City harmless from any and all claims, losses, liabilities, liens, costs, or expense resulting from or arising out of failure of the required vertical support of the alley, as set forth in paragraph 1 above, and shall maintain a policy of general public liability insurance with limits of \$1,000,000 per occurrence and naming the City as an additional insured, insuring against the risks identified in this paragraph. If any claim covered by this paragraph is asserted against the City, Owner upon notice thereof from the City shall defend the same at his sole cost and expense and shall pay any final judgment rendered upon such claim.

4. This agreement shall be recorded in the records of King County, and the covenants hereof shall be deemed to attach and run with the property and shall be binding upon the Owner, his heirs, successors, and assigns, and shall apply to after-acquired title of the owner of the property.

5. This agreement may be amended or modified by agreement between the Owners and the City; provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this agreement shall be construed as a surrender of the City's governmental powers.

6. This agreement is made for the benefit of the City and the public, and the City may institute and prosecute any proceeding at law or inequity to enforce this agreement.

7. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained.

DATED this 5th day of June, 1989.

OLIVE WAY JOINT VENTURE

By WESTERN SECURITIES (U.S.A.), LTD.
Its Joint Venturer

By

Its


EXEC VICE PRESIDENT

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

THIS IS TO CERTIFY that on this 5th day of June, 1989, before me, the undersigned, a notary public in and for the state of Washington, duly commissioned and sworn, personally appeared Marc A. Jotlik, to me known to be the Executive Vice-President of WESTERN SECURITIES (U.S.A.), LTD., a corporation, to me known to be a general partner of OLIVE WAY JOINT VENTURE, the partnership that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation and said partnership for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.

John E. McCullough
Notary public in and for the state of
Washington, residing at Seattle

My appointment expires 1-8-92

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8288C

06/05/89

-3-

LOTS 5, 6, 7 AND 8, BLOCK 29, SECOND ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY THE HEIRS OF SARAH A. BELL, DECEASED, COMMONLY KNOWN AS THE HEIRS OF SARAH A. BELL'S SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 121, IN KING COUNTY, WASHINGTON, EXCEPT THAT PORTION THEREOF CONDEMNED FOR WIDENING EIGHTH AVENUE IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 44450 UNDER ORDINANCE NUMBER 10066 OF THE CITY OF SEATTLE, IN KING COUNTY, WASHINGTON.

Exhibit "A"

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OMB Log # 842292

City of Seattle

Executive Department-Office of Management and Budget
James P. Ritch, Director
Charles Royer, Mayor



COPY RECEIVED

June 12, 1989

JUN 12 1989

The Honorable Doug Jewett
City Attorney
City of Seattle

SEATTLE CITY ATTORNEY

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Engineering

SUBJECT: An Ordinance vacating a portion of the Alley in Block 29, Second Addition to the Town of Seattle as Laid off by the Heirs of Sarah A. Bell's Second Addition (deceased) (Commonly known as Heirs of Sarah Bell's Second Addition to the Town of Seattle) on the petition of Olive Way Joint Ventures, accepting an easement for storm drain purposes, accepting a deed for street/alley purposes, and a Property Use and Development Agreement for the purpose stated therein. (Comptroller File No. 295986).

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Teresa Summers.

Sincerely,

Charles Royer
Mayor

by

Teresa Summers for

KENNETH R. BOUNDS
Budget Director

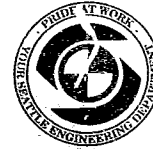
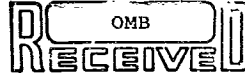
Enclosure

cc: Teresa Summers

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Seattle
Engineering Department

Gary Zarker, Director of Engineering
Charles Royer, Mayor



JUN 12 1989

June 8, 1989

The Honorable Charles Royer
Mayor of the City of Seattle
1200 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

842292

VIA: Office of Management and Budget

SUBJECT: Vacation of a Portion of
the Alley in Block 29, Heirs of
Sarah A. Bell's Second Addition
C.F. No. 295986

Dear Mayor Royer:

Here for City Council approval is a Council Bill vacating a portion of the Alley in Block 29, Heirs of Sarah A. Bell's Second Addition (Comptroller's File Number 295986).

The vacation was approved by the City Council following a public hearing held on December 14, 1989.

The petitioner has satisfied the conditions of the vacation and has paid the required fee of \$151,500 which is one-half the appraised value of the property according to an appraisal obtained by the Director of Engineering.

I recommend approval of this Council Bill.

Sincerely,

GARY ZARKER
Director of Engineering

GZ/LAK:

Enclosure

cc: J. G. Ralph, Director of Operations

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Seattle Engineering Department, Room 910, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1879, (206) 684-5000

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Sanita Williams

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: *Full Council*

PRESIDENT'S SIGNATURE

P 5 20 28

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STATE OF WASHINGTON - KING COUNTY

17435
City of Seattle

-ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD/114579

was published on
07/13/89

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

H. Sprague
Subscribed and sworn to before me on

Alvin Ray JUL 13 1989
Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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City of Seattle

ORDINANCE 114578

AN ORDINANCE vacating a portion of the Alley in Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell's 2nd Addition (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle) on the part of Olive Way Joint Ventures, excepting an easement for storm drain purposes, and a Property Use and Development Agreement for the purpose stated, therein. (Comptroller's File No. 295986.)

WHEREAS, there has been filed with the City Council the petition of Olive Way Joint Venture (Comptroller's File No. 295986), for the vacation of a portion of the Alley in Block 29, Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle as therein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on the December 14, 1989, said petition was granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030, and Seattle Municipal Code Chapter 15.62, the petitioner has paid to the City \$151,500, which amount is one-half the appraised value of the property approved for vacation according to an appraisal obtained by the Director of Engineering; Now, Therefore;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

an aerial portion of the alley adjoining Lots 5, 6, 7, and 8, Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), as per plat recorded in Volume 1 of Plats, page 121, Records of King County, Washington, lying above an incline plane drawn a minimum of 16.5 feet above the surface grade of said alley, the elevation of said alley grade being approximately 131.3 feet at the intersection of the centerline of said alley with the southeasterly line of Lot 5 projected northeasterly and the elevation of said alley grade being approximately 125.7 feet at the intersection of the centerline of said alley with the northwesterly line of Lot 6 projected northeasterly;

ALSO:

a below grade portion of the alley adjoining Lots 5, 6, 7, and 8, Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), as per plat recorded in Volume 1 of Plats, page 121, Records of King County, Washington, lying below an incline plane drawn a minimum of 2 feet below the surface grade of said alley, the elevation of said alley grade being approximately 131.2 feet at the intersection of the centerline of said alley with the southeasterly line of Lot 5 projected northeasterly and the elevation of said alley grade being approximately 124.8 feet at the intersection of the centerline of said alley with the northwesterly line of Lot 6 projected northeasterly;

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above described property in the reasonable original zoning of any rights-of-way abutting upon said property after said vacation.

Section 2. That a deed executed by the Olive Way Joint Venture (King County Records No. 890606037) on June 5, 1989, granting and conveying to the City of Seattle the following described real property in Seattle, King County, Washington:

Portion of the northeasterly 2 feet of Lots 5 and 6, and of the southwesterly 2 feet of Lots 7 and 8, Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), as per plat recorded in Volume 1 of Plats, page 121, Records of King County, Washington, lying between an incline plane drawn a minimum of 2 feet below the surface grade of the adjoining alley, the elevation of said alley grade being approximately 131.2 feet at the intersection of the centerline of said alley with

the southeasterly line of Lot 5 projected northeasterly and elevation of said alley grade being approximately 124.8 at the intersection of the centerline of said alley with the northwesterly line of Lot 6 projected northeasterly, and an incline plane drawn a minimum of 16.50 feet above the surface grade of the adjoining alley, the elevation of last described alley grade being approximately 131.3 feet at the intersection of the centerline of said alley and the southeasterly line of Lot 5 projected northeasterly and the elevation of last described alley grade being approximately 125.7 feet at the intersection of the centerline of said alley with the northwesterly line of Lot 6 projected northeasterly;

be and the same is hereby accepted for street/alley purposes.

Section 3. That an easement executed by Olive Way Joint Venture (King County Records No. 890606037) on June 5, 1989, granting and conveying to the City of Seattle the right to construct, operate and maintain a storm drain with necessary appurtenances over and across the following described property in Seattle, King County, Washington:

the northwesterly 5 feet of the Alley adjoining Lots 6 and 7, Block 29, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), as per plat recorded in Volume 1 of Plats, page 121, Records of King County, Washington;

be and the same is hereby accepted for storm drain purposes.

Section 4. That a Property Use and Development executed by Olive Way Joint Venture (King County Records No. 890606038) on June 5, 1989, limiting the use and development of the following described property in Seattle, King County, Washington:

Lots 5, 6, 7, and 8, Block 29, Second Addition to the City of Seattle as laid off by the Heirs of Sarah A. Bell (deceased), commonly known as the Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle, according to the Plat thereof recorded in Volume 1 of Plats, page 121, in King County, Washington; except that portion thereof contained in widening Eighth Avenue in King County Superior Court Cause Number: 4450 under Ordinance Number 10066 of the City of Seattle, in King County, Washington

is hereby accepted for the purposes stated therein.

Section 5. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 28th day of June, 1989, and signed by me in open session in authentication of its passage this 28th day of June, 1989.

SAM SMITH,

President of the City Council.

Approved by me this 6th day of July, 1989.

CHARLES ROYER,

Mayor.

Filed by me this 6th day of July, 1989.

Attest: NORWARD J. BROOKS,

Clk., Comptroller and City Clerk.

(Seal) By THERESA DUNBAR,

Deputy Clerk.

Publication ordered by NORWARD J.

BROOKS, Comptroller and City Clerk.

Date of official publication in Daily

Journal of Commerce, Seattle, July 13,

1989. (17455)

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